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INTELLECTUAL PROPERTY LAW

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Facsimile Cover Sheet**To:****From:****Name:** Meredith C. Petravick**Name:** Peter N. Jansson**Firm:** United States Patent and Trademark Office**Fax No.** (703) 872-9306**Pages:****Date:** 10 August 2005**Fax No.** (262) 632-2257

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Confirmation Will Not Follow by Mail**Message:****Dear Ms. Petravick:**

Please see the attached document in anticipation for the interview you granted to us to take place this afternoon at 3:00 p.m. E.T. We look forward to the opportunity to speak with you.

Sincerely yours,**Peter N. Jansson**

This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via the U.S. Postal Service.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
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In re Patent of:)

Danial William Brockman)

Serial No.: 10/760,445)

Group Art Unit: 3671

Filed: January 20, 2004)

Examiner: Meredith C. Petravick

Title: CRANBERRY-HARVESTING
APPARATUS AND METHOD)MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**AMENDMENT AND RESPONSE**

The following is a brief summary of the four issues we will address during the interview you granted to us in this matter. The interview will be held August 10, 2005, at 3:00 p.m. E.T. A formal response will follow the interview.

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Issue I

Independent claim 21 was amended in the last amendment and response to the final office action. The final rejection was not based upon prior art, but rather was based upon section 112. Applicant's amendments are shown below and are fully responsive to the Examiner's rejections under 112 and put claims 21-25 in condition for allowance.

21. (Previously presented) A cranberry-harvesting apparatus comprising:

- a frame moveable over a field of cranberries in a forward direction; and
- a plurality of dislodging rods secured to and below the frame wherein the dislodging rods have a spring at the proximal end thereof spring-mounting the dislodging rod to a vertical plate, the dislodging rods positioned substantially laterally in a single plane substantially parallel to the field surface and substantially transverse to the direction of movement,

whereby each dislodging rod is moved through the cranberry plants at the speed of the frame to dislodge the cranberries from the plants.

Issue II

In the advisory action, the Examiner stated the Applicant did not fully correct the objection to claim 23. As such, Applicant has now taken such corrective action as shown below.

23. The cranberry-harvesting apparatus of claim 21 wherein the dislodging rods have a free-distal end ~~and a spring-mounted proximal end~~ such that the dislodging rods deflect under load in a plane substantially parallel to the field surface.

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Issue III

In the final rejection, the Examiner rejection claim 26 as being anticipated by Young (U.S. Patent No. 881,039). In the advisory action, the Examiner rejection claim 26 noting Applicant presented new combinations of limitations "which would require further search and/or consideration." Applicant offers the following amendment to claim 26 that removes any new issues that may have been present. Moreover, the amendment reflects the same concept as articulated in claim 21—a concept which the Examiner has not objected to or rejected in any of the prior actions.

26. (Currently amended) A method of harvesting cranberries from a cranberry field including moving frame-mounted, free-ended dislodging rods, wherein each dislodging rod, positioned extending substantially parallel to the field surface laterally, is spring-mounted to the frame and oriented transverse to the direction of movement of the frame, over cranberry plants with each rod moving at the speed of the frame thereby to dislodge cranberries from the cranberry plants.

Issue IV

In accordance with the advisory action, Applicant has cancelled claim 27.

27. (~~Withdrawn-Cancelled~~) A method of ~~[[dry]]~~ harvesting cranberries from a ~~non-flooded~~ cranberry field including moving frame-mounted, free-ended dislodging rods, wherein each dislodging rod, positioned substantially laterally, is spring-mounted to the frame and oriented transverse to the direction of movement of the frame, over cranberry plants with each rod moving at the speed of the frame, thereby to dislodge cranberries from the cranberry plants.